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*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF M. BRENT BYARS IN
SUPPORT OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED PURSUANT TO CIVIL LOCAL
RULE 79-5**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, M. Brent Byars, declare as follows:

2 1. I am a senior attorney at Cravath, Swaine & Moore LLP, counsel to Epic Games,
3 Inc. ("Epic") in the above-captioned actions. I am admitted to appear before this Court *pro hac*
4 *vice*.

5 2. I submit this declaration in support of Plaintiff's Administrative Motion to
6 Consider Whether Another Party's Material Should be Sealed Pursuant to Local Rule 79-5, dated
7 March 14, 2025.

8 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If
9 called as a witness, I could and would competently testify to these facts under oath.

10 4. Attached hereto as **Exhibit A** is a true and correct copy of an unredacted version
11 of PRIV-APL-EG_00139177, which was produced to Epic by Apple Inc.

12 5. Attached hereto as **Exhibit B** is a true and correct copy of an unredacted version of
13 the Response of Epic Games to Apple's Opposition to Discovery Sanctions with highlights
14 reflecting redacted material in the publicly filed Response of Epic Games to Apple's Opposition
15 to Discovery Sanctions.

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
17 and correct and that I executed this declaration on March 14, 2025 in New York, New York.

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20 M. Brent Byars
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E-FILING ATTESTATION

I, Gary Bornstein, am the ECF User whose ID and password are being used to file this Declaration of M. Brent Byars in Support of Plaintiff's Administrative Motion to Consider Whether Another Party's Material Should be Sealed Pursuant to Local Rule 79-5. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from the signatory.

/s/ Gary A. Bornstein
Gary A. Bornstein